

**REMARKS**

In the Office Action, a restriction requirement was issued. Claims 14-24 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner indicated that claims 14-24 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph.

In this response, claim 14 has been amended to respond to the rejection and claims 15 and 16 have been amended to correct an informality. Claims 25-27 have been withdrawn.

As summarized in Applicants' last response, an interview with the Examiner took place on September 2, 2009. Applicants note that the Examiner's summary of the interview incorrectly indicates the interview as having occurred on September 7, 2009.

**Restriction Requirement**

The Examiner has required election in this application among the claims of:

- I.      Claims 14-24, drawn to methods for controlling an ophthalmic ablation device;
- II.     Claims 25-27, drawn to an ophthalmic ablation device.

In response, Applicant hereby elects Group I, claims 14-24, drawn to methods for controlling an ophthalmic ablation device. Claims 25-27 have therefore been withdrawn.

**Rejections under 35 U.S.C. § 112, second paragraph**

Claims 14-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

Applicants have amended claim 14 to recite the step of providing an ablation device as suggested by the Examiner, thus obviating the rejection under 35 U.S.C. § 112, second paragraph. Applicants have also amended claim 15 to remove the word "manually" and claim 16 to add the missing word "and." Since claims 15 and 16 depend from claim 14, the amendment to those claims does not affect patentability. Therefore, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

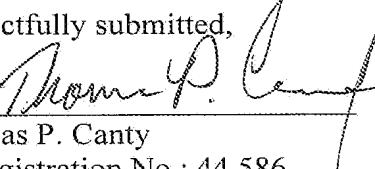
**CONCLUSION**

Applicants thank the Examiner for deeming claims 14-24 allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Applicants have thus amended claim 14 per the Examiner's suggestion to overcome the rejection. A minor amendment was also made to dependent claims 15 and 16. Therefore, the claims are in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

Dated: March 2, 2010

Respectfully submitted,

By 

Thomas P. Canty

Registration No.: 44,586

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant